

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

2:18-cv-847

The JS 44 civil cover sheet and information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Desanka Filipovic

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

Philadelphia

(c) Attorneys (Firm Name, Address, and Telephone Number)

1 Fight 4 Justice, LLC of Predrag Filipovic
1735 Market St. Ste 3750 Philadelphia, PA 19103

DEFENDANTS

18

847

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 USC 1692
 Violation of 1692e and 5a collection

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

FEB 26 2018

DATE: 2/26/2018 SIGNATURE OF ATTORNEY OF RECORD: [Signature]

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

FEB 26 2018

FEB 26 2018

UNITED STATES DISTRICT COURT

18 847

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 20 S 41st Philadelphia, PA 19104

Address of Defendant: 163 Lawrence Bell Dr. Ste. 100, Williamsville, NY 14225-1943

Place of Accident, Incident or Transaction: 20 S 41st

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒Does this case involve multidistrict litigation possibilities? Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases
(Please specify) 15 USC 1692 FDCA

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

FEB 26 2018

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 2/26/2018

Attorney-at-Law

Attorney I.D.#

MSG**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA****CASE MANAGEMENT TRACK DESIGNATION FORM***Desauka Fijovic*
v.

CIVIL ACTION

*Mental Adjustment Bureau LLC*NO. **18 847**

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

2/26/18
DateDragan Fijovic
Attorney-at-lawPlaintiff
Attorney for267 265 0520215 974-7744dfesp@iFight4Justice.com

Telephone

FAX Number

E-Mail Address

FEB 26 2018



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Desanka Filipovic
Plaintiff,

vs.

Mercantile Adjustment Bureau, LLC
163 Lawrence Bell Dr. Ste 100, Williamsville,
NY 14225-1943

CIVIL ACTION NO.

18 847

COMPLAINT

I. INTRODUCTION

1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692 (“FDCPA”).

2. The FDCPA prohibits debt collectors from engaging in deceptive and unfair practices in the collection of a consumer debt, including a failure to provide adequate disclosure regarding effects of subsequent payment or promise to pay, on otherwise time barred debt, as well as making misleading statements regarding status of the debt.

3. Defendant is subject to strict liability for sending a collection letter, in attempting to collect on an alleged debt of which the original creditor is alleged to have been Bank of America, N.A. (USA), to the Plaintiff in which it failed to provide any notice of consumer’s right to debt validation found under FDCPA. 15 U.S.C. §§ 1692 g. *See* a true and correct copy collection letter attached as **Exhibit A** hereto.

4. Defendant, Mercantile Adjustment Bureau, LLC, (“MAB”), is subject to strict liability for making false and misleading statements in connection with collection of the debt, further delineated below.

II. JURISDICTION

5. Subject matter jurisdiction of this Court arises under 15 U.S.C. §1692k and 28 U.S.C. §1337,

6. Defendant regularly conducts business within the Eastern District of Pennsylvania 28 U.S.C. §1391, and the violative communication was dispatched to Plaintiff's mailing address captioned above, within the Eastern District of Pennsylvania.

III. PARTIES and FDPCA COVERAGE

7. Plaintiff, Mrs. Desanka Filipovic, ("Plaintiff") is an adult individual who owns real property at 20 S 41st street, Philadelphia, PA, which is also her mailing address.

8. Plaintiff is a "consumer" as that term is contemplated under the FDPCA, 15 U.S.C. §1692a(3), as the alleged debt sought to be collected from consumer in this instance is credit card unsecured line of credit used primarily for personal and household expenses.

9. Defendant ~~MAB~~ is a "debt collector" within the meaning of the FDPCA 15 U.S.C. §1692a (6), and by own written admissions, as it regularly collects debt on behalf of another.

10. Defendant is subject to liability as a "debt collector" under the meaning of FDPCA via respondent superior doctrine, due to engaging, via its agents or employees in regular debt collection activities, as described in previous paragraph herein.

IV. STATEMENT OF CLAIM

11. On or about December 14th 2017, Defendant MAB, sent to Plaintiff a dunning letter, ("the letter"), in attempting to collect on an alleged debt over where the original creditor is alleged to have been Bank of America, N.A. See a true and correct copy collection letter attached as **Exhibit A** hereto.

12. This letter is considered a communication from a debt collector to the consumer and it violates the FDPCA in at several ways to be delineated below:

- a. The debt at issue is time barred in that the last payment under this account was made in 2011, whereby it is beyond the applicable statute of limitations.
- b. Dunning letter invites consumer to make a payment under time barred debt, using imperative language in connection with its “offer”, that the payment sought “must be received by...” while failing to disclose that due to age of the debt, collection of debt is not enforceable in Court.
- c. Dunning letter also apparently invites a consumer to contact its office to “*discuss alternative arrangements*”, apparently inviting a payment plan, or another verbatim validation or acknowledgment of debt by consumer which again could have the effect of reviving otherwise time barred debt.
- d. According to this Circuit’s recent holding in Tatis v. Allied Interstate, LLC, 2018 WL 818004 (3d Cir. Feb. 12, 2018), and similar holding in other jurisdictions, the letter violates the FDCPA.
- e. This Defendant never sent the debt validation under §1692 g.
- f. Letter also violates the FDCPA §1692 e, by making false or misleading representations regarding how Plaintiff debtor could view or inquire about the account. Letter states :

“*We offer on-line correspondence service that will reduce paper consumption and may improve your customer experience. Please visit www.mercantilesolutions.com to access your account information or make payment(s) on-line.*”
- g. However an attempt to do exactly what letter directs on Defendant’s website, reveals that such representation is false and in lieu a message appears leaving no doubt about falsity of the letter in this regard as well:

“ Your account is not eligible for online access, please call to speak with a representative..” See Exhibit B hereto.

h. The letter violates the FDCPA according to the ruling in Tatis v. Allied Interstate, LLC, 2018 WL 818004 (3d Cir. Feb. 12, 2018).

13. Defendant’s conduct was intentional and pervasive and premeditated.

WHEREFORE, Plaintiff, Desanka Filipovic, demands judgment against the Defendant individually and jointly and severally for:

- (a) Statutory Damages;
- (b) Attorney’s fees and costs; and
- (c) Actual damages
- (c) Such other and further relief as the Court shall deem just and proper.

V. DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury as to all issues so triable.

Respectfully submitted:



/s/ Predrag Filipovic, Esq. (029312011)

Attorney for Plaintiff
PREDRAG FILIPOVIC
1735 Market St.Ste 3750
Philadelphia, PA 19103

Date: 02/18/2018

Enclosures: **Exhibit A, B;**

EXHIBIT “A”

12/14/2017

Creditor:	Bank of America, N.A.
Account Number:	*****6995
Reference Number:	27318678 JC2
Current Balance:	\$616.45
Amount Enclosed: \$	



MERCANTILE
Innovative Solutions, Exceptional Results

165 Lawrence Bell Drive, Suite 100
Williamsville, NY 14221-7900
1-888-481-4348

Please send payment or correspondence to:
Mercantile Adjustment Bureau, LLC
PO Box 9055
Williamsville NY 14231-9055

----- PLEASE DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT -----

Date: 12/14/2017

Desanka Filipovic,

Please be advised that we can offer you the opportunity to resolve this account for less than the current balance due. We can resolve this account in the amount of \$184.93, which must be received on or before 01/05/2018.

This offer will be valid until 01/05/2018, after which this offer may expire. Should you wish to resolve this account for less than the current balance after this date, please contact our office to discuss alternative arrangements. We are not obligated to renew this current offer.

There may be tax consequences as a result of a settlement. Please consult a tax professional if you have questions or want advice about any potential tax consequences.

We offer an on-line correspondence service that will reduce paper consumption and may improve your customer experience. Please visit www.mercantilesolutions.com to access your account information or make payment(s) on-line.

Sincerely,

Shawn Martin
Phone Number: 1-888-481-4348

Interest and/or fees will not accrue on your account.

Calls to or from this company may be monitored or recorded.

This is an attempt to collect a debt and any information obtained will be used for that purpose. This is a communication from a debt collector.

EXHIBIT “B”

MERCANTILE
Adjustment Bureau[About](#)[Services](#)[Employment](#)[Contact Us](#)**IN**

her Login.

respondence from Mercantile Adjustment Bureau about an existing debt, you are able to view your current account in documents. You may also make payments to your account. Online access is free and available 24 hours a day. All you need is the information which can be found on most letters from Mercantile Adjustment Bureau

- Your account is not eligible for online access. Please call to speak with a representative at (800) 430-7094.

Login Here

Enter Your Reference Number: 27318678

(numbers only)

Access My Account